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Letter dated 21 December 2000 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward the attached press release, issued on 20 December 2000, from the Ministry of Foreign Affairs of the State of Eritrea on the decision made by the Government of Eritrea to release Ethiopian prisoners of war (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Haile **Menkerios**
Ambassador
Permanent Representative

00-81238 (E) 221200

Annex to the letter dated 21 December 2000 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press release

Ethiopian prisoners of war to be repatriated on Friday

The Government of Eritrea shall begin repatriating Ethiopian prisoners of war on Friday this week under the auspices of the International Committee of the Red Cross (ICRC).

As may be recalled, Eritrea had formally informed ICRC last September of its readiness to release Ethiopian prisoners of war in accordance with the Agreement on Cessation of Hostilities and the Geneva Conventions.

Moreover, the peace agreement signed in Algiers on 12 December between the two countries provides for the parties to "release and repatriate, without delay, all prisoners of war" (article 2.1).

Against this backdrop, discussions have been going on with ICRC on the actual modalities and logistical aspects of the repatriation of the Ethiopian prisoners of war. As a result, repatriation is now scheduled to start on Friday, 22 December.

Eritrea had unilaterally released and repatriated 71 Ethiopian prisoners of war during the early phase of the conflict.

Ministry of Foreign Affairs
Asmara
20 December 2000

United Nations A/55/715–S/2000/1231

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General Assembly
Fifty-fifth session
Agenda item 64
Question of Cyprus

Security Council
Fifty-fifth year

Letter dated 21 December 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I am writing to Your Excellency in order to shed fresh light on an issue which is of utmost importance to my country, as well as to the Turkish Cypriot people. I earnestly hope that after examining the following, from both the historical and the legal points of view, Your Excellency will come to the same conclusions as we have.

On 4 March 1964, the Security Council adopted resolution 186 (1964) which, in paragraph 4, recommended the creation, "*with the consent of the Government of Cyprus*", of a United Nations peacekeeping force in Cyprus. Since the adoption of that resolution, the Greek Cypriot administration has been portraying itself as the sole owner of the title of "*Government of Cyprus*" and conducting day-to-day business in international forums as if it represents the Island and its peoples as a whole. Both historically and legally speaking, this is a baseless claim.

When the partnership "Republic of Cyprus" was created in 1960, all five parties, namely the United Kingdom, Greece, Turkey, the Turkish Cypriots, and the Greek Cypriots, had formulated a Constitution which embodied an agreed politically equal partnership between the Turkish and Greek Cypriots. The President of the Republic was a Greek Cypriot, while the post of Vice-President was filled by a Turkish Cypriot. The legislative authority was vested in a House of Representatives, where both Turkish and Greek Cypriots were represented. Similarly, the Government was also composed of both Turkish Cypriot and Greek Cypriot ministers.

Therefore, when the Security Council adopted resolution 186 (1964) it was only natural to assume that — *although the Turkish Cypriot Vice-President, legislators and ministers were forcibly ousted by the Greek Cypriots from the organs of the state* — the "consent of the Government of Cyprus" would mean the consent of a government that was established and functioning in accordance with the 1960 Treaties and the agreed Constitution stemming from those Treaties.

In fact, the Turkish Cypriots, the Government of Turkey and another guarantor power of the 1960 state of affairs on the Island, namely the United Kingdom, did

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register this understanding with the United Nations, at the time when the said resolution was adopted. Allow me to briefly recall some of these important cornerstones:

1. The views and the reservation of my Government on this issue were brought to the attention of the members of the Security Council, and of the then Secretary-General U Thant, both orally and in writing, on many occasions during the period before and after the adoption of resolution 186 (1964). All relevant documents can be found in the United Nations archives on this point. It is sufficient to quote the following from the letter of the then Turkish Minister for Foreign Affairs, Mr. Feridun Cemal Erkin, addressed to the Secretary-General, which was circulated as an attachment to the Secretary-General's report on the United Nations Peacekeeping Force in Cyprus (UNFICYP) (document S/5593 of 12 March 1964):

> **"... If the task envisaged as a result of the Security Council's resolution is to succeed, the meaning of the term '*Cyprus Government*' as mentioned in the resolution should be made unquestionably clear. All parties concerned should be made unequivocally aware of the fact that this term only means a government which according to the Cyprus Constitution acts and takes decisions with the concurrence of the Turkish Vice-President and its Turkish members. This sine qua non condition should be brought at the outset to the knowledge of whoever would have to deal with the Cyprus problem in any capacity ..."**

2. The Government of the United Kingdom, in replying to the Turkish Foreign Ministry's relevant note verbale on 13 March 1964, stated that **"with regard to the definition of the expression 'Cyprus Government' in the Security Council resolution, Her Majesty's Government are in agreement with the Turkish Government, and have indeed drawn the attention of the Secretary-General of the United Nations to this point in an aide-mémoire which was laid with (him) on 4 March [1964] by the United Kingdom delegate to the United Nations Sir Patrick Dean."** According to the information available to us, the United Kingdom delegate specifically made the point that the term "Cyprus Government" could only mean a government which, according to the Cyprus Constitution, acts and takes decisions with the concurrence of the Turkish Cypriot Vice-President and its Turkish Cypriot members. The above-mentioned aide mémoire also recalled the fact that the British peacekeeping force on the Island, which preceded UNFICYP, **"was properly established with the agreement of both the President and the Vice-President of the Republic of Cyprus."** The aide-mémoire also addressed the issue of the appointment of a mediator and went on to say that **"Her Majesty's Government's view is that until such time as the Constitution of Cyprus and the Agreements are amended through negotiation and with the consent of all the parties, the Government of the Republic of Cyprus, the Guarantor Powers and the United Nations as a whole have no alternative but to conduct their activities in accordance with the Constitution and with the Agreements."**

3. On 7 March 1964, the Vice-President of the partnership Republic of Cyprus, Dr. Fazil Küçük, sent a telegram (document S/5583 of 9 March 1964) to the President of the Security Council in which he stated, inter alia, the following:

> **"... it is imperative that in implementing paragraphs 4 and 7 of resolution 186 (1964), both President and Vice-President are consulted and their consent obtained. Otherwise, as Greek elements of Government are**

determined to disregard Turkish rights and deprive Vice-President of any say in such vital matters, any consultation solely with and obtaining consent only of Greek elements would not, in substance and under Cyprus Constitution, be consultation with or obtaining consent of Cyprus Government as envisaged under the resolution. Relevant to point out that when three guaranteeing powers decided to offer their good offices to Government of Cyprus, offer was made to President and Vice-President. Only after both had accepted was joint truce force established and started operation."

In early 1964, the Greek Cypriots, who had already launched a wide-scale systematic armed attack on Turkish Cypriots in December 1963, managed to take complete de facto control of the then Cyprus Government, declaring unilaterally that the 1960 Constitution was no longer valid. As confirmed in the Secretary-General's report of 12 December 1964 (S/6102, paras. 175, 176, 180, 197, 238), the writ of the Greek Cypriot-usurped Government did not run, however, over the Turkish Cypriot people who defended their vested rights in Turkish enclaves as an equal co-founder partner of the 1960 Republic. The 1960 Constitution, by article 182, expressly provided that its basic articles could not be amended, whether by way of variation, addition or repeal, without the clear consent of the other co-founder of the partnership Republic, in this case the Turkish Cypriots, as well as of the Guarantor Powers. Yet the Greek Cypriots not only unilaterally amended the Constitution, depriving the Turkish Cypriots of their legitimate rights, but also demanded the express and advance agreement of the Turkish Cypriots for these amendments as a condition for their possible return to the organs of the state. Anticipating that this illegal move would not be accepted by the Turkish Cypriots, the Greek Cypriots went ahead with their premeditated plan and soon filled with their kinsmen all the positions having been vacated — against their will — by the Turkish Cypriots.

As one of my earlier predecessors, Ambassador Orhan Eralp, wrote to the then Secretary-General of the United Nations in his letter of 15 April 1964, **"If one of the two communities takes it upon itself to set aside the Constitution, drive out the other community from all organs of government, usurp the power to govern and turn upon the other community in mortal attack, the term '*Government of Cyprus*' loses its meaning. That is in fact what has happened and is happening in Cyprus."**

It will be seen from what has been stated above that, in accordance with resolution 186 (1964) of 4 March 1964, legitimacy under the 1960 state of affairs then established could only ensue in accordance with the 1960 settlement in force at the time of that resolution.

The Greek Cypriots, by ousting their co-partners and co-founders of the Cyprus Republic from all state machinery; by illegally amending the Constitution without any say of the Turkish Cypriots; and finally by declaring the 1960 Constitution **"dead and buried"**, have set up a wholly Greek Cypriot entity, which naturally represents solely the Greek Cypriots who now live in the southern part of the Island.

Therefore, and in the light of the above, legally, morally and historically no one should treat the Greek Cypriot administration as the legitimate "Government of Cyprus", let alone the Government of the Turkish Cypriot

people. The current Greek Cypriot state in the south of the Island cannot and should not be the sole successor of the 1960 partnership Republic of Cyprus.

The treatment of the Greek Cypriot administration as the legitimate "Government of Cyprus" has given the Greek Cypriot party not only political, economic and other advantages at the expense of the Turkish Cypriot people, but it also empowered Greek Cypriots to continue with the inhuman embargoes over Turkish Cypriots, even treating them as "an insurgent minority in Greek Cyprus". This has amounted to the deprivation of the Turkish Cypriot people of the exercise of their equal rights while blocking the realization of a balanced outcome based on the equal status of the two parties in the three decades of negotiations.

I have written in some length. But historical realities, intentionally or unintentionally, are often forgotten or overlooked. With this letter I have presented to you some of the irrefutable facts related to the Cyprus question. These facts lie at the very heart of the Cyprus question and should guide the thinking and actions of all those who have an interest in the resolution of this question.

I would greatly appreciate it if Your Excellency would have the text of the present letter circulated as a document of the General Assembly, under agenda item 64, and of the Security Council

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

United Nations S/2000/1232

Security Council

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Note by the President of the Security Council

The attached letter, dated 21 December 2000, from the Permanent Observer of Switzerland to the United Nations, was addressed to the President of the Security Council (see annex). In accordance with the request contained in the letter, I am circulating it as a document of the Security Council.

00-81294 (E) 261200

Annex

Letter dated 21 December 2000 from the Permanent Observer of Switzerland to the United Nations addressed to the President of the Security Council

I have the honour to refer to the note by the President of the Security Council dated 20 December 2000 and the attached report of the Panel of Experts, appointed pursuant to paragraph 19 of Security Council resolution 1306 (2000), in relation to Sierra Leone (S/2000/1195). The Swiss Government welcomes the report as a useful contribution to the effective implementation of the United Nations sanctions.

The report specifically mentions the issue of Swiss customs warehouses, the so-called Freilager (paras. 16, 117, 118 and 164). While the issues raised concerning customs warehouses are of concern in several countries, Switzerland is singled out and the efforts undertaken to tackle potential problems and to strengthen controls on the transit of diamonds through customs warehouses are not duly reflected in the report.

I therefore wish to forward to you the enclosed statement, which sets out the measures Switzerland has taken regarding the issue of conflict diamonds (see enclosure). This statement was communicated to the Panel both orally and in writing before the publication of the report.

This being said, Switzerland will carefully study the recommendations made in the report to further strengthen its set of measures to effectively fight trade in conflict diamonds.

I should be grateful if you would bring the present letter and its enclosure to the attention of the members of the Security Council and have it circulated as a document of the Council.

(*Signed*) Jenö C. A. **Staehelin**
Ambassador

Enclosure

Fighting conflict diamonds — Switzerland to introduce further measures

Switzerland has fully implemented the UN Security Council Resolutions on conflict diamonds. To further tighten its control system, the Swiss Government has decided to strengthen controls on the transit of diamonds through customs warehouses.

Conflict diamonds have fuelled some of the most terrible conflicts the world has witnessed. Switzerland therefore attaches the utmost importance to breaking the vicious circle created by the illicit trade in diamonds and weapons. Diamond production and trade must be beneficial to countries. It must not act to their detriment. Switzerland is determined to fight any abuse of the Swiss diamond market.

For these reasons, Switzerland has fully implemented UN Security Council resolutions 1173 on Angola and 1306 on Sierra Leone, and closely cooperates with the respective UN expert panels on sanctions implementation. In case of doubtful origin the customs authority will hold back diamonds until their origin is determined. In addition, merchandise originating from or bound for Liberia, Guinea, Côte d'Ivoire, Burkina Faso, Democratic Republic of the Congo, Zimbabwe and Togo is subject to strict monitoring. Gambia will be added to this list. Any shipment originating from these countries is thoroughly checked and verified in cooperation with the government of the country concerned. Along with other diamond-trading centres, Switzerland carefully monitors trading flows and is ready to extend the list of sensitive countries of origin/provenance if need be.[1]

As far as the transit of rough diamonds through Switzerland is concerned, the Swiss government has even gone beyond UN standards by prohibiting storage in and clearance from customs warehouses of rough diamonds originating from Sierra Leone unless accompanied by

[1] As a reminder, rough-diamond imports to Switzerland have been exclusively of British (96-98%) and Belgian provenance (2-4%) over recent years. A number of transactions in worked diamonds during the first half of 2000 that were declared to be of Liberian provenance proved to be of U.S. provenance and of South African origin. The fact that these shipments were billed in Liberia might have led to a mistake in the customs declaration.

a valid certificate of origin. The monitoring process for merchandise originating from or bound for the countries mentioned above applies to rough diamonds in customs warehouses as well.

In its effort to further tighten its control system, the Swiss Government has decided to strengthen controls on transactions in customs warehouses. As of February 1, 2001, customs warehouses will be requested to produce an inventory of rough diamonds which are both stored on and cleared from their premises. The Swiss authorities will not only require declarations of provenance *and* origin of rough-diamond imports into Switzerland, as has been the case up till now, they will also require such declarations for transits through customs warehouses in Switzerland. Current legislation provides a sufficient legal basis for these new measures. This approach will also be introduced into the revised customs act to be introduced into Parliament next year.

As an important diamond trading centre, Switzerland strongly supports the introduction of an international certification system on rough diamonds. Switzerland welcomes the efforts undertaken in Angola and Sierra Leone to establish a certification system at national level. Switzerland actively participates in international efforts aimed at creating a global, effective and workable certification system for rough diamonds.

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Security Council

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Letter dated 22 December 2000 from the Chairman of the Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 985 (1005) concerning Liberia (see annex), which was adopted by the Committee under the no-objection procedure on 22 December 2000 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Martin **Andjaba**
Chairman
Security Council Committee established pursuant
to resolution 985 (1995) concerning Liberia

00-81283 (E) 261200

Annex

Report of the Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia covers the period from January 20 22 December 2000.

2. A report of the Committee covering its activities from January to December 1999 was submitted to the Security Council on 31 December 1999 (S/1999/1301).

II. Summary of the Committee's activities during the reporting period

3. For 2000, the bureau consisted of Martin Andjaba (Namibia) as Chairman, with the delegations of Canada and Malaysia providing the two Vice-Chairmen.

4. In a letter dated 7 December 2000, the Deputy Permanent Representative and Chargé d'affaires a.i. informed the Chairman of the Committee that Ugandan customs officials had recently seized a consignment of arms which were believed to have been destined for Monrovia in violation of Security Council resolution 788 (1992). Analysis of the flight clearances showed that Ugandan authority had been granted for a flight from Entebbe to Conakry and for the export of the arms in question for the use of the Ministry of Defence of Guinea. However, he added, the flight plan filed with Ugandan Air Traffic Control showed the end destination to be Monrovia.

5. The Deputy Permanent Representative and Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations also informed the Chairman of the Committee that he had provided a copy of his letter, for information, to the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, to the Chairman of the Panel of Experts on Sierra Leone, and to Johan Peleman, the arms expert on the Panel of Experts on Sierra Leone.

6. The Committee commends the Government of Uganda in bringing this matter to its attention. The Committee will consider what response to the Government of Uganda would be appropriate.

III. Observations

7. The Committee does not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo. The Committee therefore urges all Member States and organizations to provide information pertinent to the effective implementation of the embargo to the Committee.

8. The Committee urges all States and in particular all neighbouring States to comply fully with the embargo on all deliveries of weapons and military equipment to Liberia imposed by the Security Council in resolution 788 (1992).

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Letter dated 22 December 2000 from the President of the Security Council addressed to the Secretary-General

The members of the Security Council have carefully reviewed your report of 4 October 2000 on the establishment of a Special Court for Sierra Leone (S/2000/915). The Council members wish to convey their deep appreciation for the observations and recommendations set forth in your report.

The members of the Security Council reaffirm their support for resolution 1315 (2000) and its reiteration that the situation in Sierra Leone constitutes a threat to international peace and security. With the objective of conforming to resolution 1315 (2000) and related concerns, and subject to the agreement of the Government of Sierra Leone as necessary and appropriate, the members of the Council suggest that the draft Agreement between the United Nations and the Government of Sierra Leone and the proposed Statute of the Court be amended to incorporate the views set forth below.

1. *Personal jurisdiction.* The members of the Security Council continue to hold the view, as expressed in resolution 1315 (2000), that the Special Court for Sierra Leone should have personal jurisdiction over persons who bear the greatest responsibility for the commission of crimes, including crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone. The members of the Security Council believe that, by thus limiting the focus of the Special Court to those who played a leadership role, the simpler and more general formulations suggested in the appended draft will be appropriate. It is the view of the members of the Council that the Truth and Reconciliation Commission will have a major role to play in the case of juvenile offenders, and the members of the Security Council encourage the Government of Sierra Leone and the United Nations to develop suitable institutions, including specific provisions related to children, to this end. The members of the Security Council believe that it is the responsibility of Member States who have sent peacekeepers to Sierra Leone to investigate and prosecute any crimes they may have allegedly committed. Given the circumstances of the situation in Sierra Leone, the Special Court would have jurisdiction over those crimes only if the Security Council considers that the Member State is not discharging that responsibility. Therefore, Council members propose the inclusion of language in the Agreement to be concluded between the United Nations and the Government of Sierra Leone and in the Statute of the Special Court to that effect.

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2. *Funding.* Pursuant to resolution 1315 (2000), members of the Security Council support the creation of a Special Court for Sierra Leone funded through voluntary contributions. Such contributions shall take the form of funds, equipment and services, including the offer of expert personnel that may be needed from States, intergovernmental organizations and non-governmental organizations. It is understood that you cannot be expected to create any institution for which you do not have adequate funds in hand for at least 12 months and pledges to cover anticipated expenses for a second year of the Court's operation.

In order to assist the Court on questions of funding and administration, it is suggested that the arrangements between the Government of Sierra Leone and the United Nations provide for a management or oversight committee which could include representatives of Sierra Leone, the Secretary-General of the United Nations, the Court and interested voluntary contributors. The management committee would assist the court in obtaining adequate funding, provide advice on matters of Court administration and be available as appropriate to consult on other non-judicial matters.

3. *Court size.* The members of the Security Council do not believe the creation of two Trial Chambers and the use of alternate judges as proposed in your report is necessary, at least not from the very outset. The Special Court should begin its work with a single Trial Chamber, with the possibility of adding a second Chamber should the developing caseload warrant its creation. Council members also question the provision in the draft Agreement and Statute calling for alternate judges. It should be noted in this connection that neither the International Tribunal for the Former Yugoslavia nor the International Criminal Tribunal for Rwanda employs alternate judges.

The members suggest the following further adjustments of a technical or drafting nature to the Agreement: Add an express provision to article 13 as a new subparagraph (d) under paragraph 2, concerning immigration restrictions; to article 14 concerning witnesses and experts; and to article 4 (c) of the Statute of the Court, modifying it so as to conform it to the statement of the law existing in 1996 and as currently accepted by the international community.

The members of the Security Council express their hope that you will concur with the proposals outlined above and adjust the draft Agreement between the United Nations and the Government of Sierra Leone and the Statute of the Court as expeditiously as possible, along the above lines and as indicated in the attached annex.

(*Signed*) Sergey **Lavrov**
President of the Security Council

Annex

In consequence of the comments contained in the letter, it is suggested that consideration be given to adjustment of the "Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone" and the "Statute of the Special Court for Sierra Leone".

Agreement

Preamble

No change.

Article 1
Establishment of the Special Court

1. There is hereby established a Special Court for Sierra Leone to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

2. The Special Court shall function in accordance with the Statute of the Special Court for Sierra Leone. The Statute is annexed to this Agreement and forms an integral part thereof.

Article 2
Composition of the Special Court and appointment of judges

1. The Special Court shall be composed of a Trial Chamber and an Appeals Chamber with a second Trial Chamber to be created if, after the passage of at least six (6) months from the commencement of the functioning of the Special Court the Secretary-General, the Prosecutor or the President of the Special Court so request. Up to two alternate judges shall similarly be appointed after six months if the President of the Special Court so determines.

2. The Chambers shall be composed of no fewer than eight (8) independent judges and no more than eleven (11) such judges who shall serve as follows:

(a) Three judges shall serve in the Trial Chamber where one shall be appointed by the Government of Sierra Leone and two judges appointed by the Secretary-General, upon nominations forwarded by States and in particular the Member States ...

(b) In the event of the creation of a second Trial Chamber, that Chamber shall be likewise composed in the manner contained in subparagraph (a) above;

(c) Former paragraph 2 (b).

3. *No change.*

4. *No change.*

5. If an alternate judge or judges have been appointed, in addition ...

Article 3

No change.

Articles 4 and 5

No change.

Article 6
Expenses of the Special Court

The expenses of the Court shall be borne by voluntary contributions from the international community. It is understood that the Secretary-General will commence the process of establishing the Court when he has sufficient contributions in hand to finance the establishment of the Court and 12 months of its operations plus pledges equal to the anticipated expenses of the second 12 months of the Court's operation. It is further understood that the Secretary-General will continue to seek contributions equal to the anticipated expenses of the Court beyond its first 24 months of operation. Should voluntary contributions be insufficient for the Court to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Court.

Articles 7 to 12

No change.

Article 13

New paragraph 2 (d)

Immunity from any immigration restrictions during his or her stay as well as during his/her journey to the Court and back.

Article 14

... The provisions of article 13, paragraph 2 (a) and (d), shall apply to them.

Articles 15 to 20

No change.

Statute

Preamble

No change.

Article 1
Competence of the Special Court

(a) The Special Court shall, except as provided in subparagraph (b), have the power to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996, including those leaders who,

in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone.

(b) Any transgressions by peacekeepers and related personnel present in Sierra Leone pursuant to the Status of Mission Agreement in force between the United Nations and the Government of Sierra Leone or agreements between Sierra Leone and other Governments or regional organizations, or, in the absence of such agreement, provided that the peacekeeping operations were undertaken with the consent of the Government of Sierra Leone, shall be within the primary jurisdiction of the sending State.

(c) In the event the sending State is unwilling or unable genuinely to carry out an investigation or prosecution, the Court may, if authorized by the Security Council on the proposal of any State, exercise jurisdiction over such persons.

Articles 2 and 3

No change.

Article 4

... (as is)

(c) Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

Articles 5 and 6

No change.

Article 7

Should any person who was at the time of the alleged commission of the crime below 18 years of age come before the Court, he or she shall be treated with dignity and a sense of worth, taking into account his or her young age and the desirability of promoting his or her rehabilitation, reintegration into and assumption of a constructive role in society, and in accordance with international human rights standards, in particular the rights of the child.

Articles 8 to 10

No change.

Article 11

(a) The Chamber, comprising one or more Trial Chambers and an Appeals Chamber;

Article 12

1. The Chamber shall be composed of not less than eight (8) or more than eleven (11) independent judges, who shall serve as follows:

[*consequential changes in paras. 1 (a) and 4*]

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Letter dated 22 December 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have the honour to forward, enclosed herewith, a letter from Mr. Zoran Zizic, Prime Minister of the Federal Government of the Federal Republic of Yugoslavia, relative to the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP), addressed to you (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Mladenovic**
Chargé d'affaires a.i.

00-81300 (E) 261200

Annex to the letter dated 22 December 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have the honour to address you on behalf of the Federal Government of the Federal Republic of Yugoslavia regarding the forthcoming consideration of the question of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) in the Security Council.

The Government of the Federal Republic of Yugoslavia highly appreciates the contribution rendered by the United Nations Mission to the maintenance of stability and the established system of security in Prevlaka thus far and considers that its presence continues to be necessary for the purpose of strengthening confidence and creating conditions for finding an acceptable solution to the question.

The Federal Republic of Yugoslavia considers that the question of Prevlaka is a bilateral issue which should be resolved in a direct and open dialogue with the Republic of Croatia. The major democratic changes that have taken place in the Federal Republic of Yugoslavia and the establishment of a new Government in the Republic of Croatia will make it possible to step up the solution of the question of Prevlaka in a mutually acceptable way.

I would also like to point out on this occasion that good-neighbourliness and cooperation with its neighbours is one of the main foreign-policy priorities of the Federal Republic of Yugoslavia. On behalf of the Government of the Federal Republic of Yugoslavia, I invite representatives of the Republic of Croatia to engage with us, as soon as possible, in concrete negotiations in the spirit of the present democratic changes and with respect for mutual interests, as well as the declared desires to improve our relations, in an attempt to solve the question of Prevlaka in good faith.

Bearing in mind the fact that the proposed negotiations will take some time, the Government of the Federal Republic of Yugoslavia expects that, proceeding from its primary responsibility for the maintenance of peace and security, the Security Council will take a decision to extend the mandate of UNMOP until 15 July 2001.

Oriented towards peace, cooperation and dialogue and committed to the respect of the principles of international law and the Charter of the United Nations, the Government of the Federal Republic of Yugoslavia reiterates once again its readiness to have the question of Prevlaka resolved as soon as possible in a mutually acceptable way, which would provide an additional stimulus to the strengthening of bilateral relations between the Federal Republic of Yugoslavia and the Republic of Croatia.

(*Signed*) Zoran **Zizic**